

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare-Khammam District-Revision Petition filed U/S 6 of A.P.S.A.L.T.R. 1959 by Sri Tuppathi Beeraiah and 2 others R/O Damaracharla (V) Chandrugonda (M) against the Orders of the Agent to Government, Khammam in C.M.A No: 33/99 & 37/99 dated: 07-10- 2001 –Dismissed-Orders-Issued.

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**SOCIAL WELFARE (LTR-2) DEPARTMENT**

**G.O.Ms No:174**

Dated: 2-09-2008

Read the following:

1. From Sri P.Nalinikanth, Council for the petitioner, Revision Petition dated:03-11-2001.
2. Govt Memo No: 18059/LTR2/2001 1 and 2, Dated: 28-11-2001.
3. From Collector, Khammam RcNo: F2/CMA-33/99 Dated: -05-2007.
4. Govt Letter No:18059/LTR2/2001-5, dt:16-07-2007& 04-08-2007 .

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**ORDER:**

In the reference first read above Sri Tuppathi Beeraiah & 2 others have filed a Revision Petition before the Government against the orders of the Agent to Government, Khammam in C.M.A No:33/99 & 37/99 dated:07-10-2001 in respect of land measuring Acres 1.20 guntas in Survey No:50/1 situated at Dameracharla (V) Chandrugonda (M), Khammam District . The main grounds of the appellant in the Revision Petition among others are as hereunder:

- i) The father of the 1<sup>st</sup> and 2<sup>nd</sup> petitioners viz Tuppati Narasimhulu purchased an extent of Acres 1.00 under an agreement of sale dated: 10-04-1969 and the 3<sup>rd</sup> petitioner purchased an extent of 0.20 guntas under an agreement of sale dated: 5-2-1969 in Sy.No:50/1 situated at Damaracherla (V) of Chandrugonda (M), in Khammam District from another non-tribal pattedar K.Buchaiah . The 1<sup>st</sup> and 2<sup>nd</sup> petitioners inherited the said land of Acres 1.00 after the death of their father.
  - ii) The courts below failed to see that the transactions had taken place much prior to 03-02-1970 i.e the date on which regulation 1/70 had come into force, and hence they are not hit by LTR.
2. The Brief History of the case is that the Special Deputy Collector (TW), Palvanha, Khammam District had initiated a case under A.P.S.A.L.T.R Rules 1969 formed under the Regulation I of 1959 by issuing notices to Sri Tuppathi Veeraiah and 5 others pointing out that the land measuring Acres 1.20 guntas in Sy.No.50/1 in Damacharla (V) of Chandrugonda (M) was under their possession and they were directed to show cause as to why they should not be ejected from the land. The petitioner (Smt Chapalamadugu Raghavamma w/o Jaggannadaham) deposed before the Special Deputy Collector (TW), that the land stands patta in the name of her father Kampati Butchaiah, that her father did not sell the suit land to the respondents except but given on lease to Sri Samba Siva Rao and Tuppathi Narsimham the father of Sri Tuppathi Veeraiah, and that after demise of her father the lease holders did not return the suit land to her and it is now under occupation of Sri Tuppathi Venkataiah and requested for restoration to her. The respondent Sri Tuppathi Veeraiah deposed before the Special Deputy Collector (TW), that his father Late Tuppathi Narsimham had purchased the suit land from the pattedar i.e petitioner's father long ago through a sada sale deed and filed a Xerox copy of the simple sale deed dated:18-03-1973. But he did not produce any other document in support of his claim to prove his possession over the suit land prior to the commencement of Regulation 1/70. Sri Sambasiva Rao (5<sup>th</sup> respondent in Special Deputy Collector court) deposed that his father had purchased the suit land from the pattedar Kampati Butchaiah i.e father of the petitioner through a sada sale deed in the year 1969 and subsequently, it was registered by the pattedar in the year 1976 and filed a Xerox copy of the Registered sale deed vide document No:1349/76 dated:14-06-1976. But he did not file sada sale deed as stated and failed to produce any other document like permission obtained from the Agent to Government, Khammam in Form "K" and other supporting documents in support to

his claim to prove his possession over the suit land prior to enforcement of Regulation 1/70. The Special Deputy Collector (T.W) after perusal of the documents and evidence placed before him held that the respondents entered the suit land un-authorized after commencement of Regulation 1/70 and ordered ejectment of the respondent or whoever is in possession of the immovable property and directed that the immovable property in question be taken into Government custody by the Mandal Revenue Officer Chandragonda, vide LTR Case No:8/99/CGH Dated:22-05-1999. Aggrieved by the orders of the Special Dy.Collector (T.W), Sri. Tuppati Beeraiah & 2 others (non-tribals) filed an appeal before the Agent to Government, Khammam. The Agent to Government, upon examining the arguments and having considered the facts of the case held that the Appellants are not having valid possession over the suit scheduled land and hence cannot be considered as a bonafide occupant of the land and that the transfer of land under appeal was made in contravention of Sub-section (1) of Section (3) of A.P.S.A.L.T.R 1 of 1959, R/W Regulation 1 of 1970. The Additional Agent to Government vide C.M.A No:33/99 & C.M.A No:37/99 dated:07-10-2001 upheld the orders of the Special Deputy Collector (T.W) Palavancha, and dismissed the appeal. Aggrieved by the Orders of the Agent to Government filed an appeal before the Government.

3. In the reference 2<sup>nd</sup> read above, the Agent to Government, Khammam District was requested to furnish parawise remarks and case records and the same were furnished in the reference 3<sup>rd</sup> read above. After examination of the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 24-07-2007 and was finally heard on 16-08-2007. Petitioner attended and prayed time to file written arguments. Counsel filed arguments on 23-08-2007.

4. Government upon perusal of the material evidence available on record, and the arguments filed by the counsel for petitioners found that :

- i) Verification of Pahanies of village Dameracherla for the years 1968-69, 1969-70, 1970-71 to 1976-77 revealed that Survey no: 50/1 stands patta in the name of Kampati Buchaiah for an extent of Acres 1.20 guntas for all the years and as occupant for all the years except in 1976-77. In the year 1976-77 the names of Rao Venkata Rao and Sambasiva Rao were recorded in occupant column for Ac.1.00 and 0.20 guntas respectively against Sy.No: 50/1.
- ii) Land Revenue Waqs paid by the pattedar Kmpati Buchaiah only for the years from 1957 to 1975-76.
- iii) Registered sale deed for an extent of 0.20 guntas was executed vide document No:1349 on 14-06-1976 in favour of Sambasiva Rao S/O Kotaiah by the pattedar Kampati Bucahaih, which is after commencement of Regulation 1/70 and hence hit by LTR.
- iv) Sada Sale agreement dt:18-03-1973 executed by Kampati Buchaiah in favour of Tuppati Narsimha Rao written on Rs.0.50 Ps. and one rupee stamp papers for an extent of 0.20 guntas in Survey No:50/1.
- v) Therefore, the above two sale deeds were executed after regulation 1/70 came into force and as such they are null and void.
- vi) As per pahani, none of the petitioners came into possession of the suit land upto 1975-76.
- vii) Smt .Chapalamadugu Raghavamma D/O Kampati Buchaiah deposed before the lower court i.e Special Deputy Collector (T.W) Paloncha on 22-05-1999 that the land was given on lease by her father about 15 years back. Thus, it is clear from the above, that the transfer of land was taken place between non-tribals after regulation 1/70 came into force.

5. Government after careful examination of the case records finds no reason to interfere with the orders of the Agent to Government in C.M.A No:33/99 and 37/99 dated: 07-10-2001, and accordingly dismiss the Revision Petition. The stay granted in Memo No:18059/LTR-2/2001-02, dated:28-11-2001 are become in operative.

6. The Collector, Khammam District / Additional Agent to Government, Khammam District is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,  
PRL.SECRETARY TO GOVERNMENT.**

To:

The Collector, Khammam District (w.e)

(With RPAD of the following Records)

C.M.A No: 33/99 containing pages 256 & NF 7 of Agent to Govt..

LTR case No: 8/99/CHG containing pages 62 CF & NF4 of SDC

The Agent to Government, Khammam District,

The special Dy. Colloctor (TW), Palavoncha, Khammam Dist.,

The Mandal Revenue Officer, Chandrukonda (M), Khammam,

Sri Tuppati Beeraiah S/o Narsimloo,

Damaracharla (V) Chandru Konda (M) Khammam District,

Sri T.Venkataiappayya

Chandru Konda (M) Khammam District,

Sri Samba Siva Rao S/o Kotaiah,

Chandru Konda (M) Khammam District,

Chapala Madugi Ragavamma W/o Jagannatham,

Chandru Konda (M) Khammam District,

Sri P. Nalinikanth and Hari Sreedhar (Advocates)

105, Srinivasa Apartments, Humayun Nagar, Hyderabad.

P.S. to M(TW & RAID),

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER